

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1, 3, 5-9, 11-15, 18-19, and 21-23 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner and are in full compliance with the requirements of 35 U.S.C. § 112. Changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 2 and 16 are canceled.

Claims 1-3, 5-9, 11-16, 18-19, and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi et al. (U.S. Patent 6,393,152) in view of Katata et al. (U.S. Patent 6,088,061).

The present invention includes “average pixel value detecting means for detecting an average pixel value of the specific hierarchy image data item as reference data.” (Claim 1; Claims 9, 15, and 19 contain similar limitations) As shown in Figure 13, the average pixel value calculation circuit 27 calculates the average pixel value for the high frequency component portion of the I picture; which is then subtracted from the high frequency component portion as the reference data.

The Examiner concedes that Takahashi is silent in regards to this limitation. Rather, the Examiner asserts Katata “calculates the average pixel values with respect to the mean value of the pixel, and compares the difference with a specific (reference) value. (col. 27, lines 14-25)” (Office Action page 3) However, Katata’s “difference” is between average values of a preceding frame and a current frame, rather than the difference between the specific hierarchy image data item (of the current frame) and the reference data (i.e. the average pixel value) as required in the present claims. Moreover, Katata compares the “difference” with a specified (reference) value; whereas in the present invention the average pixel value is the reference data.

Further, the present invention includes “multiplexing means for multiplexing the reference data with an output of the specific hierarchy encoding means.” (Claim 1; Claim 15 contains a similar limitation; Claims 9 and 19 also require multiplexing of the reference data) As shown in Figure 13, the output of the average pixel value calculation circuit 27 is fed to the multiplexing circuit 15 which multiplexes the average pixel value (i.e. the reference data) with the encoded hierarchy data. (Specification page 32, lines 3-7). Neither Takahashi nor Katata discloses multiplexing the reference data (i.e. the average pixel value) with the encoded hierarchy data as required in the present claims.

Accordingly, for at least these reasons, Takahashi and Katata fail to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

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